



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**MAR 17 2011**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

In Reply Refer To: HCR-40  
DOT #2011-0142

**(b) (6)**

Dear **(b) (6)**:

This is in reference to your complaint of discrimination dated November 5, 2010, against **(b) (6)** **(b) (6)** (Respondent) that you filed with the Georgia Department of Transportation (GDOT). In your complaint, you alleged that the Respondent prevented you from performing work on project number NH-IM-95-1(118) (154)-1, by allowing **(b) (6)** **(b) (6)** a certified Disadvantaged Business Enterprise (DBE), and **(b) (6)** a non-DBE, to replace you on the project, based on your race (African American).

Since the Respondent is a sub-recipient of Federal-aid funds through the GDOT, your complaint was investigated by the GDOT in accordance with the Federal Highway Administration's (FHWA) complaint processing procedures. State recipients can conduct investigations of complaints alleging violations of Title VI of the Civil Rights Act of 1964 (Title VI) of its sub-recipients or contractors and make a recommended finding to the Federal decisionmaking authority. However, the U.S. Department of Justice has determined that a Title VI finding of violation or no violation is a Federal decision that cannot be delegated. All FHWA recipients must submit their proposed dispositions to the FHWA for a final agency decision.

The FHWA is in receipt of information from the GDOT which states that the issue cited in your complaint occurred in 2008. The U.S. Department of Transportation's regulation at Title 49, Code of Federal Regulations, Part 21.11(b) states that a complaint must be filed not later than 180 days after the date of the alleged discrimination. Your complaint was received by GDOT long after the 180-day filing period; therefore, it is untimely and cannot be accepted for investigation. However, this decision does not preclude you from pursuing a private right of action by filing in the appropriate U.S. District Court.



This concludes the Federal Highway Administration's processing of this matter and no further action will be taken.

Sincerely yours,

A handwritten signature in black ink that reads "Brenda F. Armstead". The signature is written in a cursive, flowing style.

Brenda F. Armstead  
Director, Investigations and Adjudications

cc: Ms. Carol Barnett, Title VI/Environmental Justice Coordinator, Equal Employment  
Opportunity, GDOT  
Mr. Rodney N. Barry, Division Administrator, FHWA, HDA-GA  
Ms. Vanessa Ross, Civil Rights Specialist, FHWA, HDA-GA